

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

MARK L. MCWILLIAMS,

Petitioner,

v.

CAUSE NO. 3:20-CV-377-JD-MGG

WARDEN,

Respondent.

OPINION AND ORDER

Mark L. McWilliams, a prisoner without a lawyer, filed a habeas corpus petition challenging his convictions and 49-year sentence by the Warren Circuit Court on November 27, 1995, under cause number 86C01-9501-CF-03. This is not the first time that he has brought a habeas corpus petition challenging that conviction. In *McWilliams v. Warden*, 3:18-CV-133-JD-MGG (N.D. Ind. filed Feb. 22, 2018), McWilliams's petition did not state any cognizable grounds for habeas relief. He was granted an opportunity to amend his petition, but instead of filing an amended petition, he filed an affidavit that presented legally frivolous sovereign citizen theories. *See United States v. Benabe*, 654 F.3d 753, 767 (7th Cir. 2011) ("These theories should be rejected summarily, however they are presented"). Because McWilliams did not amend his petition to include a cognizable claim for federal habeas relief, his case was dismissed.

Because McWilliams has already filed one petition that was adjudicated on the merits, this is a successive petition. However, McWilliams has not been authorized to file a successive petition as required by 28 U.S.C. § 2244(b)(3)(A). "A district court *must*

dismiss a second or successive petition, without awaiting any response from the government, unless the court of appeals has given approval for its filing.” *Nunez v. United States*, 96 F.3d 990, 991 (7th Cir. 1996) (emphasis in original). Therefore, this case must be dismissed because this court lacks jurisdiction to hear it.

For these reasons, the petition is DISMISSED for want of jurisdiction and the clerk is DIRECTED to close this case.

SO ORDERED on June 11, 2020

/s/JON E. DEGUILIO
CHIEF JUDGE
UNITED STATES DISTRICT COURT